

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION, a/k/a FANNIE MAE,

Plaintiff,

v.

NICOLAS PORTILLO, *et al.*,

Defendants.

No. C 12-949 SI

**ORDER REMANDING CASE TO
SUPERIOR COURT FOR COUNTY OF
SONOMA**

The Court has reviewed defendant Portillo's response to the Order to Show Cause Why Case Should Not Be Remanded to State Court for Lack of Jurisdiction. Defendant asserts that this Court has jurisdiction over the unlawful detainer complaint because the complaint originally could have been filed in this Court. Defendant is incorrect.

Under the well-pleaded complaint rule, the basis for removal jurisdiction must be evident from the complaint. *See Franchise Tax Bd. of California v. Construction Laborers Vacation Trust for So. California*, 463 U.S. 1, 9-12 (1983). There are no federal claims alleged in the complaint. Where there is no federal question jurisdiction, an action is not removable on the basis of diversity of citizenship if the defendant is a citizen of the state in which the action was brought. *See* 28 U.S.C. § 1441(a), (b). Here, defendants are California residents, and thus removal was improper.

Accordingly, this case is REMANDED to the Superior Court for the County of Sonoma.

IT IS SO ORDERED.

Dated: March 9, 2012



SUSAN ILLSTON
United States District Judge